

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LARRY SEABURG,

Plaintiff,

v.

RAY MABUS, Secretary of the Navy,

Defendant.

CASE NO. C10-5043BHS

ORDER DENYING MOTION
FOR DEFAULT JUDGMENT

This matter comes before the Court on Plaintiff Larry Seaburg's ("Seaburg") motions for default judgment. Dkts. 10 & 11. The Court has considered the pleadings filed in support of the motions and the remainder of the file and hereby denies the motions for the reasons stated herein.


On March 10, 2010, Seaburg filed a complaint in the above-captioned action. Dkt. 6. On September 10, 2010, Seaburg filed a motion for default judgment against Defendant Ray Mabus, Secretary of the Navy ("Secretary Mabus"). Dkt. 10. On September 24, 2010, Seaburg filed a second motion for default judgment. Dkt. 11. Both motions seek this relief because Secretary Mabus has failed to file an answer. *See* Dkts. 10 & 11.

On July 8, 2010, Seaburg filed a certificate of service showing that Secretary Mabus was sent by certified mail a copy of the summons and complaint which was stamped as received on June 25, 2010. Dkt. 8. Seaburg appears to be suing Secretary Mabus in his official capacity as an officer of the United States. *See* Dkt. 6. Although sending copies of the summons and complaint by certified mail to Secretary Mabus

1 appears to be proper (*See* Rule 4(i)(2)), Seaburg must also serve the United States with
2 proper service of process under Rule 4(e) of the Federal Rules of Civil Procedure in order
3 to complete service of the complaint in this action. Accordingly, Seaburg's motions for
4 default judgment are not ripe as he has not completed service of process on Secretary
5 Mabus in this action. The Court notes that in order for Seaburg to file a proper motion for
6 default judgment, he must first file a motion for entry of default by the clerk of court.

7 Therefore, it is hereby **ORDERED** that Seaburg's motions for default judgment
8 (Dkts. 10 & 11) are **DENIED**.

9 DATED this 1st day of October, 2010.

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13 BENJAMIN H. SETTLE
14 United States District Judge
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